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| APPLICATION NO.              | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------|-------------|----------------------|---------------------|------------------|
| 10/695,889                   | 10/28/2003  | Gautam Ghose         | 00121-000700000     | 7789             |
| 7590 08/23/2007              |             |                      |                     |                  |
| Law Office Of Leland Wiesner |             |                      |                     |                  |
| 1144 Fife Ave.               |             |                      |                     |                  |
| Palo Alto, CA 94301          |             |                      |                     |                  |
|                              |             |                      | EXAMINER            |                  |
|                              |             |                      | CHU, GABRIEL L      |                  |
|                              |             |                      | ART UNIT            | PAPER NUMBER     |
|                              |             |                      | 2114                |                  |
|                              |             |                      | MAIL DATE           | DELIVERY MODE    |
|                              |             |                      | 08/23/2007          | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Interview Summary

Application No.

10/695,889

Applicant(s)

GHOSE ET AL.

Examiner

Gabriel L. Chu

Art Unit

2114

All participants (applicant, applicant's representative, PTO personnel):

(1) Gabriel L. Chu.

(3) \_\_\_\_\_.

(2) Leland Wiesner.

(4) \_\_\_\_\_.

Date of Interview: 21 August 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.

If Yes, brief description: agenda, attached.

Claim(s) discussed: 1.

Identification of prior art discussed: Lewis.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Regarding Applicant's argument that Lewis teaches away from RBR and CBR, Examiner agreed that it may, but that RBR and CBR is well known in the field of fault analysis, further pointing to 706/45+ and 714/26. Regarding Applicant's argument that Lewis and Reuter are non-analogous art, Examiner indicated that the combination was merely to show a specific complex environment and the most obvious placement of a fault analysis module. Regarding Applicant's argument that there are "infinite possibilities...", Examiner pointed out that this was only one reason that it could have been obvious for a person having ordinary skill, and the point of the KSR ruling was for more flexibility in combination, not rigidity. Applicant also asked about the previously objected matter. Examiner indicated that the objection lay not in just having backup, as he felt that redundancy would have been obvious for any component, but rather that there were a plurality of such backups, which reached a level that was not quite so obvious. When asked, Examiner indicated that it would probably still be allowable, pending an updated search. Attorney indicated that an amendment would be suggested to his client incorporating both the RBR nature of fault analysis, to clarify, and the plurality of backup modules.

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

#### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

##### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

## Chu, Gabriel

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**From:** Leland Wiesner [lwiesner@wiesnerlegal.com]  
**Sent:** Friday, August 17, 2007 2:30 PM  
**To:** Chu, Gabriel  
**Subject:** RE: Interview with Examiner Gabriel Chu and Leland Wiesner regarding case 10/695,889  
Our ref 00121-0007

Examiner Chu;

Here are a few of the proposed arguments and an amendment regarding this case we can discuss. I have not formally put this into an amendment as I wanted to review with you first.

Arguments:

1. Lewis does not teach or suggest using error patterns and error actions initialized in a failure analysis module.
  - The background section of Lewis teaches away from programming a system with error events and error actions in advance as this will fail.  
Specifically, Lewis indicates such systems "unwieldly, unpredictable, and unmaintainable" (Col. 3, lines 5-9) systems most likely to become obsolete.
  - Lewis distinguishes rule base reasoning (RBR) using rules and error events and actions from case based reasoning (CBR) that simply uses past trouble tickets. According to Lewis these are different technologies.
2. There may be a reason to combine Lewis and Reuter under KSR but these are non-analogous arts and therefore there are also reasons not to combine them.
  1. the art in Lewis is not the same field of endeavor as Reuter
  2. even if they were in the same field, the problem solved by Lewis is not pertinent to the problem solved by Reuter
  - as an indication of these differences, the 'fault' in Lewis is entirely different from the 'fault' mentioned in Reuter
3. As a result of 1 and 2, combining Lewis and Reuter does not provide the clauses beginning with "initializing...", "identifying...", "specifying..." or "associating..."
4. Feridun provides a framework that can be programmed with infinite possibilities rather than a finite number of possibilities hence (even under KSR) it would not be obvious to try our inventive solution.

Possible amendments:

1. We would like to discuss adding words regarding "rules" and their use with error events and error actions to the claims. Currently, our specification describes using "rules" not cases and Lewis teaches away from using rules and error events. Hope this helps.

Best,

Leland

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(650) 853-1114 FAX  
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www.wiesnerlegal.com

-----Original Message-----

From: Chu, Gabriel [mailto:Gabriel.Chu@USPTO.GOV]  
Sent: Friday, August 17, 2007 10:42 AM  
To: Leland Wiesner  
Subject: RE: Interview with Examiner Gabriel Chu and Leland Wiesner regarding case 10/695,889 Our ref 00121-0007

Thank you

-----Original Message-----

From: Leland Wiesner [mailto:lwiesner@wiesnerlegal.com]  
Sent: Friday, August 17, 2007 1:39 PM  
To: Chu, Gabriel  
Subject: RE: Interview with Examiner Gabriel Chu and Leland Wiesner regarding case 10/695,889 Our ref 00121-0007

Examiner Chu;

Thank you for the clarification. I was providing an agenda not the proposed arguments or amendments. I will forward proposed arguments as well for you to consider.

Leland

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-----Original Message-----

From: Chu, Gabriel [mailto:Gabriel.Chu@USPTO.GOV]  
Sent: Friday, August 17, 2007 7:58 AM  
To: Leland Wiesner  
Subject: RE: Interview with Examiner Gabriel Chu and Leland Wiesner regarding case 10/695,889 Our ref 00121-0007

When you said "amendment", I assumed you were talking about a proposed amendment, not the prior amendment. This agenda doesn't really tell me anything beyond what I'm already aware, as I already know I applied whatever references to whatever limitations. My rejections are explicit about this in fact. As I said over the phone, I expect an agenda to tell me how in particular you feel my art ("Lewis... and several of the other references") is deficient.

Let me be more explicit. I expect to see proposed arguments or proposed amendments.

> -----Original Appointment-----

> From: Leland Wiesner [mailto:lwiesner@wiesnerlegal.com]  
> Sent: Thursday, August 16, 2007 5:42 PM  
> To: Chu, Gabriel  
> Subject: Interview with Examiner Gabriel Chu and Leland Wiesner regarding case 10/695,889 Our ref 00121-0007  
> When: Tuesday, August 21, 2007 11:00 AM-12:00 PM (GMT-05:00) Eastern Time (US & Canada).  
> Where: Telephonic

>

>

>

> Examiner Chu;

>

> Thank you for making additional time to discuss the subject application. I would at least like to discuss the following limitations in light of the cited art:

>

> initializing a primary failure analysis module for processing

> error events and error actions and an alternate failure analysis

> module configured as a backup to the primary failure analysis module

> to facilitate high-availability and redundancy;  
>  
> In particular, I would like to discuss the Lewis reference in detail and several of the other references as they relate to this limitation.  
>  
> Thank you and look forward to our discussion. I will call you at 11am EST 571 272 3656 unless you would like use another number.  
>  
> Best,  
>  
> Leland  
>  
> Wiesner and Associates  
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>  
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Version: 7.5.484 / Virus Database: 269.12.0/957 - Release Date: 8/16/2007 1:46 PM

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Checked by AVG Free Edition.  
Version: 7.5.484 / Virus Database: 269.12.0/957 - Release Date: 8/16/2007 1:46 PM

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Checked by AVG Free Edition.  
Version: 7.5.484 / Virus Database: 269.12.0/957 - Release Date: 8/16/2007 1:46 PM